



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

April 13, 2021

Zane Luttrell
Cornerstone Materials LLC
23625 Uncompahgre Road
Montrose, CO 81403

RE: Need for State Reclamation Permit, Blue Creek Staging Area, File No. M-2021-023

Dear Mr. Luttrell:

On April 6, 2021 the Division of Reclamation, Mining and Safety (Division) received your correspondence responding the Division's inquiry, RE: "Is It Mining". The Division has assigned file number M-2021-023 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you will have incidental material imported from within the "right of way" of US Highway 50 COFLAPUS50 Blue Creek Canyon Project. The material will be processed on site and brought back to the Blue Creek Canyon Project for structural fill and road base. No extracted material will be generated at the processing location. The project location consists of approximately 19 acres. No excavation activity will be conducted within the privately owned 19 acre property. A jaw crusher, cone crusher, screen decks and stacker will be used for processing. No chemicals will be used for processing.

Cornerstone Materials LLC is currently seeking a 111c Special Reclamation permit on the 19 acre property. The application is currently under review by the Division. No excavation shall occur until the 111c permit application is approved and a permit is issued by the Division.

Based on the information contained in the correspondence it is the Division's opinion that no reclamation permit will be required from this agency at this time. This is based in part on the MLRB Policy 20.5 and the original Policy dated March 13, 2002. (Attached). However, other local, state, or federal permits may be required and it is recommended that you contact those agencies for further clarifications if you have questions. Please be advised that this opinion is being offered based on the information provided in your response. **Any significant deviation from the described activity, including removal for sale or trade of any excavated materials from its natural state could result in a review and possible reversal of this opinion.**

Please consider the following: if the Division receives different information or a written complaint regarding the proposed activities it is required by law to further investigate. If the investigation shows a possible violation of the Construction Materials Act and Rules an enforcement action would be initiated which could include civil penalties, a cease and desist order and obtaining a permit for the activities.

If you have any questions please contact me at (303) 866-3567 extension 8186



Zane Luttrell
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April 13, 2021

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Marshall", with a stylized, cursive script.

Travis Marshall
Senior Environmental Protection Specialist

cc: Russ Means, DRMS
Dustin Czapla, DRMS